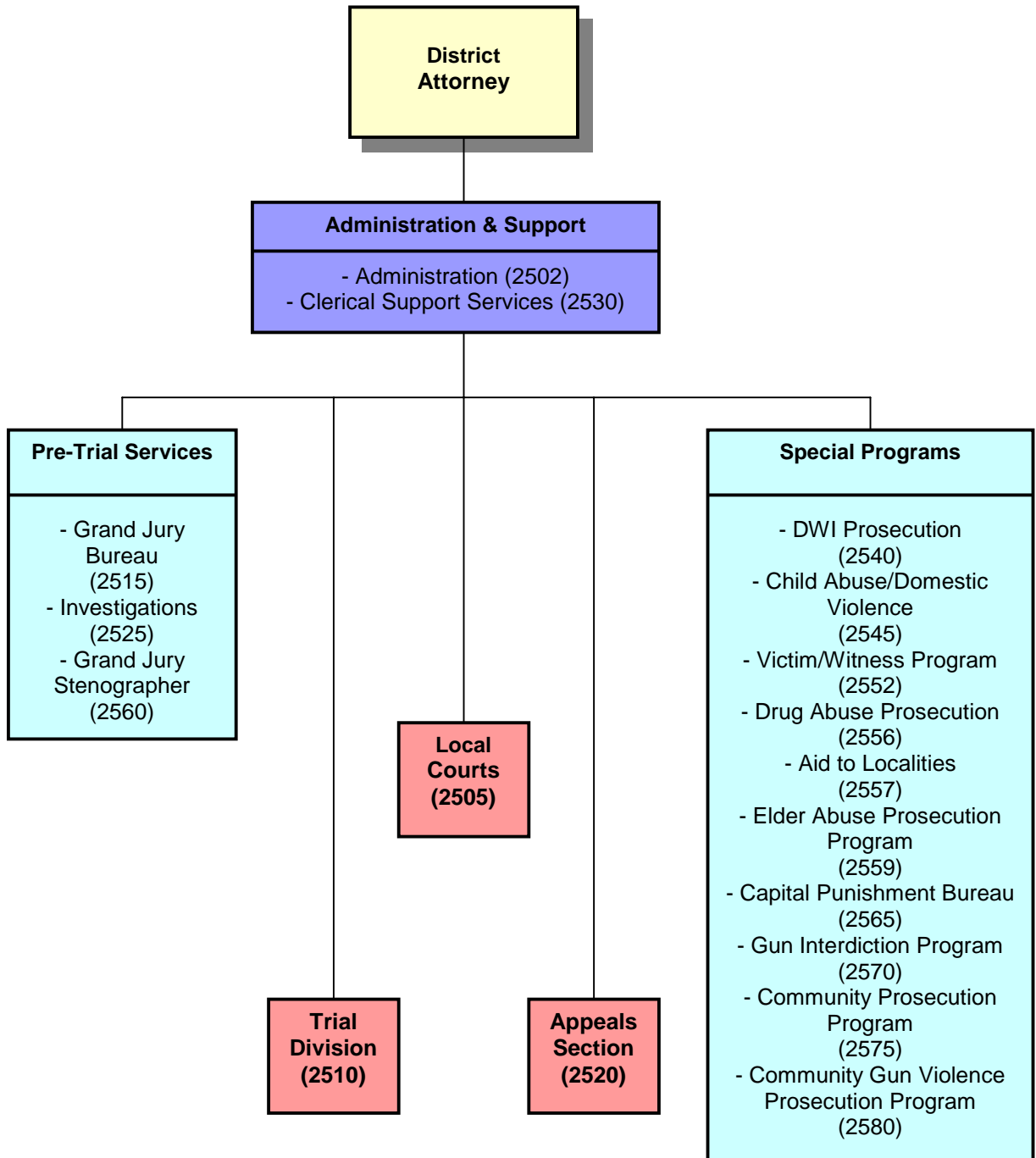
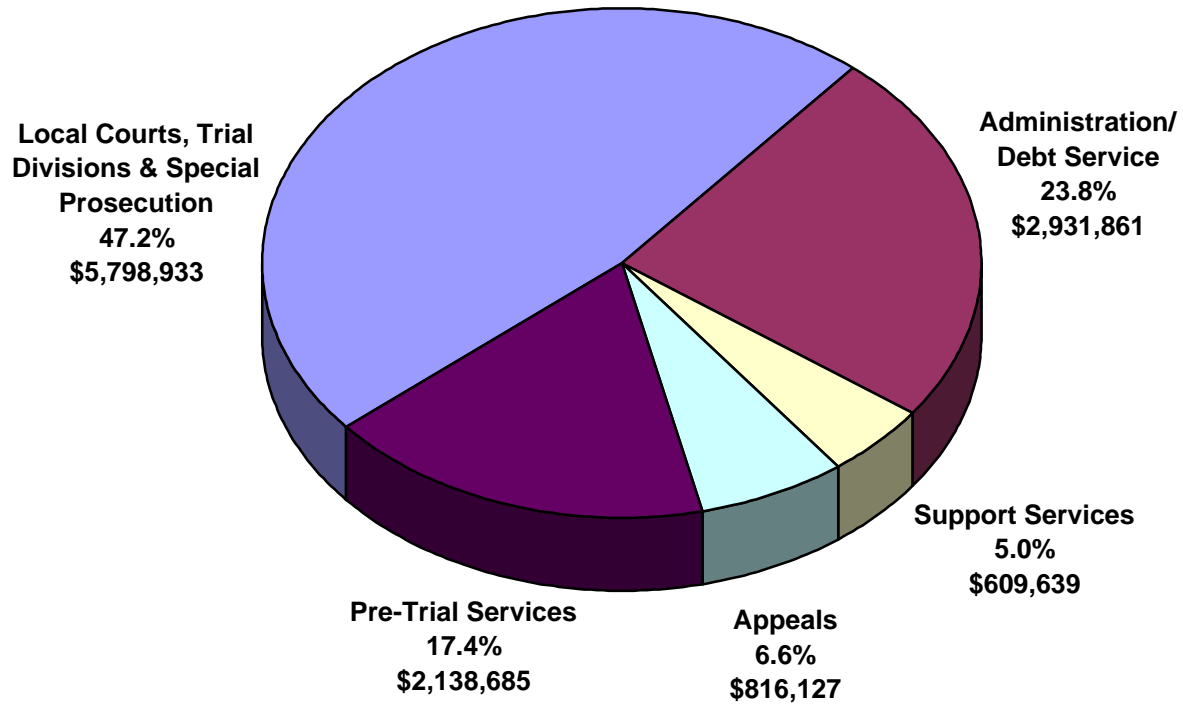


## DISTRICT ATTORNEY (025)

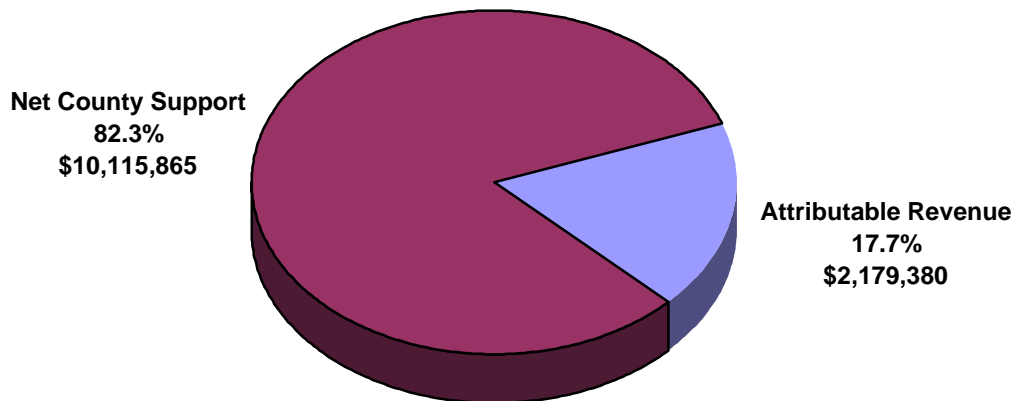


# DISTRICT ATTORNEY

## 2004 Budget -\$12,295,245



## Net County Support



## **DEPARTMENT: Office of District Attorney (025)**

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### **DEPARTMENT DESCRIPTION**

The District Attorney is a constitutional officer elected to a four-year term as Chief Prosecutor for Monroe County. The office oversees the prosecution of all crimes committed in the county. The work performed by this department is mandated by state law, but the county exercises some control over service levels. The operating divisions in the department are grouped according to functional objectives reflected in the department's organization chart.

The District Attorney's Office will continue to pursue established priorities such as the delivery of specialized services to the victims and witnesses of crime and the enhancement of prosecutorial efforts in cases involving violent felonies, drug abuse and capital punishment.

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### **STRATEGIC FRAMEWORK**

#### **Mission**

With the efficient utilization of limited resources, the Monroe County District Attorney's Office provides effective prosecution services which enhance our community's respect for the rule of law and secure the appropriate disposition of cases while ensuring the rights of victims.

#### **Key Result Areas**

**Customer Satisfaction:** Meet the needs of the law enforcement community, the courts and victims of crime so our mission is accomplished and outcomes appreciated by those who use our prosecution services.

**Productive Workforce:** Involve our employees in activities which nurture personal and professional growth to better serve our community.

**Quality Services:** Provide effective prosecution services ensuring the most appropriate disposition of cases.

**Quality of Life:** Encourage educational opportunities to enhance our community's respect for the rule of law and provide appropriate surroundings and support to achieve our best results.

**Fiscal Responsibility:** Ensure efficient and effective use of scarce resources while maintaining the highest possible level of prosecution services.

#### **Key Result Measures**

**Customer Satisfaction:** Staff members continue to receive letters of thanks as well as commendation for work performed. Our relationships with other agencies, i.e. Courts, Law Enforcement, Probation, remain strong and viable. Most importantly our Victim-Witness Unit has been a positive factor in the community through its programs of Homicide Survivors, SAFE, Emergency Bracelets and cell phones. The office continues to provide in-service training for local law enforcement in areas of mutual interest.

**Productive Workforce:** Our staff maintains its knowledge of the current state of the law through in house training, memoranda and procedures. When possible, staff go to seminars to hone skills in a specialized area of prosecution, e.g. Elder Law, Death Penalty, Child Abuse, DWI, Violent Felonies. These seminars are sponsored by various agencies including the New York State District Attorney's Association and the National District Attorney's Association. Additionally, we are meeting the New York State Requirement for Continuing Legal Education (CLE) of attorney staff.

**Quality Services:** The Monroe County District Attorney's Office continues to deliver the highest quality of services to the community. In 2002, the overall felony conviction rate was 95%; over 1,700 felony indictments and superior court informations adjudicated; 188 felony trials including 29 homicide trials were held, with a trial conviction rate of 75%.

**Quality of Life:** The District Attorney as well as a group of experienced Assistant DAs are responsible for speaking to the public, i.e. civic groups, schools, fraternal organizations and service organizations on a variety of subjects.

Fiscal Responsibility: Scarce resources are used wisely and efficiently due to the working relationship of the District Attorney's Office, Budget Office, and Controller's Office. Revenue is estimated at approximately \$2,200,000; Legal staff has "donated" many hours of overtime without compensation; bail situations are monitored for recovery of funds; policies and practices in agreement with the courts and the Public Defender's Office conserve funds, i.e., a consolidated motion practice in city court preserves resources while protecting rights application to New York State and the Federal Government for additional criminal justice grants, and increased use of e-mail and on-line services to reduce overhead costs.

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### 2003 Major Accomplishments

- Twenty-nine homicide trials in 2002. Fifteen homicide trials through June, 2003
- Twenty-eight homicide trial convictions in 2002. Twelve homicide trial convictions through June, 2003
- One hundred and eighty-eight felony trials in 2002. Seventy-five felony trials through June, 2003
- Ninety-five percent conviction rate in cases where felony conviction sought in 2002, ninety-five percent through June, 2003
- Over five thousand six hundred felony cases closed in 2002. Over two thousand three hundred through June, 2003
- Continuation of Stop Abuse in the Family Environment (S.A.F.E.) Program
- Continuation of PROJECT EXILE Gun Interdiction Program
- Continued implementation of the Federally-Funded Community Gun Violence Prosecution and Community Prosecution Programs
- Continued Victim Restitution Improvement Project conducted jointly with Monroe County Probation, with over eighteen hundred victim contacts initiated
- Fully implement the Joint Enforcement Team Project with the Monroe County Child Support Enforcement Unit (CSEU)

### 2004 Major Objectives

- Maintain the office's high level of homicide convictions (97% conviction rate in 2002)
- Bring 150-175 felony cases to trial
- Keep the felony backlog in Superior Court below 350 pending indictments
- Continue enhanced prosecution of all homicide and violent felony cases
- Continue Elder Abuse Program
- Continue Gun Interdiction Program, including PROJECT EXILE project in cooperation with the US Attorney's Office
- Continue to work with courts and police agencies at integrating Case Management Systems
- Continue to fund and expand the Federally supported Community Prosecution Program
- Continue to seek out grant funding for new crime-fighting initiatives

## **BUDGET SUMMARY**

	<b>Amended Budget 2003</b>	<b>Budget 2004</b>
<b><u>Appropriations by Division</u></b>		
Administration	2,885,447	2,924,312
Clerical Support Services	656,228	609,639
Local Courts	1,507,458	1,420,922
Trial Division	1,296,775	1,376,195
Grand Jury Bureau	224,664	227,605
Investigations	1,289,257	1,185,269
Grand Jury Stenography	717,896	725,811
Appeals Section	726,577	816,127
DWI Prosecution	231,516	308,015
Child Abuse/Domestic Violence	561,104	536,575
Victim/Witness Program	290,826	267,233
Drug Abuse Prosecution	374,432	416,843
Aid to Localities	788,570	847,349
Capital Punishment Bureau	200,000	200,000
Elder Abuse Prosecution	79,162	71,368
Gun Interdiction Program	168,604	166,474
Community Prosecution Program	70,227	0
Community Gun Violence Prosecution	301,720	187,959
Debt Service	7,651	7,549
<b>Total</b>	<b>12,378,114</b>	<b>12,295,245</b>
<b><u>Appropriations by Object</u></b>		
Personal Services	7,746,661	7,480,753
Expenses	985,460	966,380
Supplies and Materials	51,127	53,500
Debt Service	7,651	7,549
Employee Benefits	2,059,859	2,233,812
Interfund Transfers	1,527,356	1,553,251
<b>Total</b>	<b>12,378,114</b>	<b>12,295,245</b>
<b><u>Revenue</u></b>		
Grant Funding	1,603,143	1,308,080
State Aid for DA Salary	75,000	75,000
STOP-DWI Fines	107,711	115,500
Charges to Other Departments/Governments	460,735	480,800
Capital Punishment Bureau	200,000	200,000
Other	3,000	0
<b>Total</b>	<b>2,449,589</b>	<b>2,179,380</b>
<b><u>Net County Support</u></b>	<b>9,928,525</b>	<b>10,115,865</b>

## **GRANT SUMMARY**

	<b>Amended Budget 2003</b>	<b>Budget 2004</b>
<b><u>Total Department</u></b>		
Appropriations	12,378,114	12,295,245
Revenue	2,449,589	2,179,380
Net County Support	9,928,525	10,115,865
<b><u>Grants</u></b>		
Appropriations	2,073,541	1,957,226
Revenue	1,603,143	1,308,080
Net County Support *	470,398	649,146
<b><u>Tax Impact</u></b>		
Appropriations *	10,774,971	10,987,165
Revenue	846,446	871,300
Net County Support	9,928,525	10,115,865

\* The Net County Support of the **Grants** amount is the required county match and is included in the **Tax Impact** Appropriations amount. Displaying the grant activity separately has no effect on the **Tax Impact** Net County Support.

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## **BUDGET HIGHLIGHTS**

**Personal Services, and Expenses** decreases are consistent with the county's cost reduction strategies. **Employee Benefits** increase to reflect increases in the retirement plan.

The Grant for **Community Prosecution Program** will be reappropriated for the 2004 amended budget.

The 2004 Adopted Budget reflects amendments made by the County Legislature. These changes are described in the Legislative Action section of the Budget document.

## **ADMINISTRATION AND SUPPORT**

**2003**

**2004**

### **Administration (2502)**

**\$2,885,447**

**\$2,924,312**

A staff of attorneys and administrative personnel form a centralized management group which provides direction, coordination, and planning for the entire department. Specific activities include the development of policies and procedures; the supervision of all professional and support staff; and the exercise of personnel, payroll, accounting, and budget functions. All of the District Attorney's chief management positions are funded in the Administration account rather than in the specific accounts supervised. This account also provides department-wide funding for costs associated with liability insurance, office space, data processing, and other interdepartmental charges.

### **Clerical Support Services (2530)**

**\$656,228**

**\$609,639**

This section provides clerical support for the entire department, including a Legal Secretary II dedicated to Capital Punishment Cases. The support staff prepare documents and forms, maintain case files, and provide security and retrieval of stored data, as well as data entry into the DAMION system.

## **LOCAL COURTS**

### **Local Courts (2505)**

**\$1,507,458**

**\$1,420,922**

Local Courts' attorneys prosecute crimes (primarily misdemeanors and other non-felony offenses) originating in local jurisdictions and brought to trial in city, town, or village courts. All cases are examined and evaluated in order to determine an appropriate disposition. Cases may be disposed of at the local level, brought to trial, or referred to the Grand Jury. The S.A.F.E. Program to protect victims of domestic violence operates in this activity.

## **TRIALS**

### **Trial Division (2510)**

**\$1,296,775**

**\$1,376,195**

The Trial Division prosecutes felonies in County and Supreme Court. Trial attorneys evaluate cases, prepare cases for trial or plea, and analyze plea bargaining and dismissal of cases for compliance with statutes and departmental guidelines. Trial Division Attorneys represent the locally funded components of the major felony, Supreme Court, drug abuse prosecution and child abuse/domestic violence prosecution bureaus.

## **PRE-TRIAL SERVICES**

### **Grand Jury Bureau (2515)**

**\$224,664**

**\$227,605**

Grand Jury staff assists Attorneys in the presentation of evidence to the Grand Jury in felony cases, criminal investigations, and charges of official misconduct to secure an indictment for binding over for trial. Specific duties include monitoring indictment procedures monitoring juror needs and presentation schedules. They work closely with all felony bureaus.

### **Investigations (2525)**

**\$1,289,257**

**\$1,185,269**

Staff assigned to this section investigate crimes being prosecuted by the District Attorney, including a Violent Felony Investigator specifically assigned to Capital Punishment cases. Specific duties relate to the investigation of allegations of criminality and the delivery of accurate, timely investigative information to county prosecutors. This section provides specialized investigative services for cases involving homicide, arson, violent offense felonies, economic crimes, and illegal narcotics.

### **Grand Jury Stenography (2560)**

**\$717,896**

**\$725,811**

A support group composed of stenographers records all testimony presented before the Grand Jury and provides transcripts as needed.

**APPEALS****2003****2004****Appeals Section (2520)****\$726,577****\$816,127**

The professional staff assigned to this section conduct post-trial and extradition proceedings, including the Capital Punishment Special Assistant District Attorney - Appeals assigned to death penalty cases. Such appeals cases involve the preparation and submission of legal briefs as well as oral arguments in the Appellate Division, Court of Appeals, U.S. Federal Court and possibly the U.S. Supreme Court.

**SPECIAL PROGRAMS****DWI Prosecution (2540)****\$231,516****\$308,015**

This section screens misdemeanor driving-while-intoxicated cases, prosecutes felony DWI cases, and arranges treatment for offenders through pre-trial diversion programs. Objectives for this program include disposition of felony DWI cases within statutory time limits and the placement of all appropriate defendants in pre-trial treatment programs.

**Child Abuse/Domestic Violence (2545)****\$561,104****\$536,575**

This program prosecutes all felony cases involving child abuse, and the majority of cases involving crimes committed against family members by other family members. It also works with the Child Protective Unit of the Monroe County Department of Human and Health Services in early detection and prevention of child abuse. The bureau also assists the victims of child abuse and family violence in obtaining counseling and supportive services from other community agencies.

**Victim/Witness Program (2552)****\$290,826****\$267,233**

This program encourages the appearance of victims/witnesses at grand jury, pre-trial, and trial proceedings. It strives to allay the concerns of victims/witnesses about matters of personal welfare such as threats of harassment and the return of seized property.

**Drug Abuse Prosecution (2556)****\$374,432****\$416,843**

This program targets prosecuting attorneys and support staff for the increasing caseload of drug arrests in Monroe County. Federal funding for this program is channeled through New York State. The county provides approximately 40% of program costs.

**Aid To Localities (2557)****\$788,570****\$847,349**

This 80% state-funded program provides prosecutors and support staff involved with felony prosecution.

**Elder Abuse Prosecution (2559)****\$79,162****\$71,368**

This program is dedicated to the prosecution of crimes against elderly citizens, such as domestic violence, spousal abuse and fraud. It has an educational component aimed at the elderly to expand their knowledge of potential crimes against them.

**Capital Punishment Bureau (2565)****\$200,000****\$200,000**

Capital punishment was authorized by law in New York State as of September 1, 1995. The state provides funding to local district attorneys for extraordinary costs associated with the prosecution of capital crimes. Funding of \$200,000, offset by revenue of the same amount, is included for expert testimony such as psychiatrists, forensic experts and other professionals.



	<u>2003</u>	<u>2004</u>
<b>Gun Interdiction Program (2570)</b>	<b>\$168,604</b>	<b>\$166,474</b>

The Gun Interdiction Program Grant provides for two Assistant District Attorneys to prosecute the illegal possession, sale and use of guns with the aim of reducing the violence that surrounds these crimes. This program is partially funded by New York State.

<b>Community Prosecution Program (2575)</b>	<b>\$70,227</b>	<b>\$0</b>
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Funded through a one year Federal demonstration grant beginning in October 2002, this program assigned a part-time Assistant District Attorney to work directly with police and community groups on "grass roots" crime prevention and prosecution issues. The US Department of Justice has extended to Monroe County the opportunity to apply for additional funding to continue and expand this program for another twelve months.

<b>Community Gun Violence Prosecution Program (2580)</b>	<b>\$301,720</b>	<b>\$187,959</b>
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Funded through a three-year Federal grant beginning in 2002, experienced prosecutors assigned to this project will be dedicated foremost to the prosecution of cases involving violent crimes committed with guns, and will seek the imposition of maximum sentences on those convicted through the program. Grant funds unspent at the end of 2003 will be reappropriated to continue the program through the end of 2004.

<b>Debt Service (2597)</b>	<b>\$7,651</b>	<b>\$7,549</b>
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Debt Service being incurred due to an Information Services project.

### Performance Measures

	<b>Actual 2002</b>	<b>Est. 2003</b>	<b>Est. 2004</b>
Local Courts Division			
Felony Intake	5,550	5,600	5,600
Non-Felony Arraignments	28,399	28,400	28,400
Misdemeanor Trials	176	285	225
Misdemeanor Convictions	9,141	11,100	11,100
Total Misdemeanor Dispositions	14,455	16,750	16,750
Misdemeanor Conviction Percentage	63%	66%	66%
Trials Division			
Trials	188	165	175
Pleas/Waivers	1,539	1,750	1,750
Dismissals/Acquittals	82	75	75
Total Felony Dispositions	1,762	1,965	1,965
Conviction Percentage	95%	96%	96%
Dismissal/Acquittal Percentage	5%	4%	4%
Major Felony Intake/Trials	1,023/54	1,075/60	1,075/60
Homicide Intake/Trials	38/29	43/36	43/36
Grand Jury Division			
Indictments	780	740	750
No Bills/Returns	1,415	1,260	1,250
Total Cases	2,195	2,000	2,000
Investigations Division			
Cases Handled	1,187	1,190	1,190
Indictments	124	130	130
Felony Convictions	388	400	400
Felony Dispositions	402	412	412
Felony Conviction Percentage	97%	97%	97%
Economic Crime Intake	382	375	375

	<b>Actual 2002</b>	<b>Est. 2003</b>	<b>Est. 2004</b>
Economic Crime Felony Dispositions	181	165	165
Transports: Victims/Witnesses	2,062	2,200	2,400
Locates: Victims/Witnesses	1,167	1,200	1,400
Personal Service Subpoenas	14,062	15,000	15,800
Total Subpoenas	22,164	23,000	24,000
Miscellaneous Requests	42,988	50,000	55,000
<b>Appeals Division</b>			
Briefs Filed/Miscellaneous Motions	690	700	710
Habeas Corpus	82	80	80
Extraditions	95	95	95
Coram Nobis	62	70	70
Miscellaneous Actions	909	950	950
<b>DWI Division</b>			
Cases Handled	600	580	600
Indictments	100	95	100
No Bills/Returns	114	110	115
Trials	17	10	10
Pre-Trial Diversions	97	90	90
Waivers/Pleas	352	335	340
DWI/DWAI Arrests	3,223	3,250	3,250
Felony Conviction Rate	99%	99%	99%
<b>Child Abuse/Domestic Violence Division</b>			
Felony Intake	578	575	575
Indictments	87	100	92
Grand Jury Presentations	310	330	330
Felony Dispositions	122	130	130
Trials	23	24	24
Conviction Percentage	90%	90%	90%
<b>Victim-Witness Unit</b>			
New Victims Receiving Services	1,007	775	900
Witnesses Receiving Services	1,267	1,000	1,200
Notifications/General Information Services	37,896	33,000	35,000
Parole Notification/Documentation	331	385	375
<b>Gun Interdiction Program</b>			
Cases Handled	218	240	230
Convictions	87	90	90
Felony Dispositions	88	92	92
Federal Intake	47	70	60
<b>Elder Abuse Prosecution</b>			
Felony Cases Opened	45	100	100
Felony Convictions	31	65	70
Total Cases Closed	61	90	90

## **STAFF**

<b><u>Total</u></b>	<b><u>Title</u> Full Time</b>	<b><u>Group</u></b>
1	District Attorney	Flat
1	First Assistant District Attorney	25
1	Second Assistant District Attorney	24
1	Chief of Appeals	23
1	Chief of Violent Offense Bureau	23
1	Chief, Pre-Trial Division	23
1	Assistant DA - Capital Punishment Specialist	22
1	Chief Local Courts Division	22
1	Chief, Special Investigations Bureau	22
11	Special Assistant District Attorney	21
1	Special Assistant District Attorney - Capital Punishment Appeals	21
1	Chief District Attorney Investigator	20
6	Senior Assistant District Attorney	20
28	Assistant District Attorney, Grade 1	19
1	Chief, District Attorney Administration	18
24	Assistant District Attorney, Grade 2	17
1	Confidential Homicide Coordinator	16
1	District Attorney Arson Investigator	16
1	Senior District Attorney Investigator	16
6	Grand Jury Stenographer	15
1	DA Narcotics Investigator	14
1	Hearing Stenographer	14
4	Violent Felony Offense Investigator	14
1	Conf. Asst. to the DA-Executive	13
1	Supervising Victim-Witness Advocate	13
1	Video-Audio Technician	13
1	District Attorney Investigator	12
1	District Attorney Research Analyst	12
1	Superior Court Calendar Clerk	12
1	Confidential Sec. to Division Heads	11
1	Senior Victim Witness Advocate	11
1	Administrative Secretary	10
3	Clerk Grade 1	10
1	Complaint Clerk	10
1	Conf. Secretary to Grand Jury	10
1	Criminal Law Assistant	10
2	Criminal Law Specialist	10
3	Victim Witness Advocate	9
2	Victim Witness Advocate - Bilingual	9
1	Deputy Conf. Sec. to Grand Jury	8
7	Legal Secretary II	8
1	Legal Stenographer	8
4	Clerk III with typing	5

<u>Total</u>	<u>Title</u>	<u>Group</u>
1	Data Entry Operator	5
2	Driver - Messenger	5
1	Receptionist Typist	5
1	Clerk Typist	2
<hr/> 136	<b>Total Full Time</b>	
	<b>Part Time</b>	
1	Pre Warrant Asst. District Attorney, PT	Flat
1	Assistant District Attorney, PT	99
1	Grand Jury Stenographer, PT	15
1	Hearing Stenographer, PT	14
3	District Attorney Investigator, PT	12
1	Clerk III w/Typing	5
1	Clerk Typist, PT	2
<hr/> 9	<b>Total Part Time</b>	
<hr/> 145	<b>Total 2004</b>	